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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,463	03/14/2001	Philippe Bordes	PF000020	3543

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EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/808,463	<b>Applicant(s)</b> BORDES ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Gims S Philippe	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 March 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,9 and 10 is/are rejected.

7)  Claim(s) 4-8 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date 2. ✓

4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

This is a first action in response to application no. 09/808,463 filed on March 14, 2001 in which claims 1-10 are presented for examination.

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is not written as a single paragraph. In addition, the Abstract is written in a claim format. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Regarding claims 1, 2, and 8-10, the specification fails to disclose a specific version of the MPEG standard claimed. The claimed limitations cannot vary over time and must be clear and constant. There are different versions of the MPEG standard, therefore, the claimed MPEG as seen in the claims is indefinite because the standard would change over time.

Claims 3-7 are rejected by dependency to claims 1 and 2.

Note: Since the claims are indefinite, they will be rejected as best understood by the examiner.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US Patent no. 6,678,416) in view of Ito et al. (US Patent no. 6,377,309).

As per claims 1 and 10, Sun et al. discloses a process for coding video images comprising a step of extraction of at least one video object from an image originating from a sequence of images (See Sun col. 5, lines 22-24), by the construction of a segmentation key defining the contours of the object in the image (See Sun col. 2, lines 21-23), a step of coding the video object according to the MPEG 2 standard so as to form an elementary stream, a step of coding the segmentation key relating to the video object, according to the MPEG 2 standard, so as to form an elementary stream, a step of coding a background image into which the object is to be inserted, according to the MPEG 2 standard, so as to form an elementary stream (See Sun col. 5, lines 23-30).

It is noted that Sun is silent about multiplexing the elementary streams to provide a program streams as specified in the claim.

However, Ito discloses multiplexing elementary streams so as to provide one transport stream (See Ito col. 4, lines 21-25, and col. 11, lines 61-67).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Sun's encoding process by incorporating Ito's step of multiplexing elementary streams so as to provide one transport stream. The motivation for performing such modification in Sun is to provide the information that the user desires in the form of an image in order to improve the visual effect as taught by Ito (See Ito col. 3, lines 49-54).

As per claim 9, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, the process as described by Sun requires the appropriate circuit to perform the steps.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. and Ito as applied to claims 1 and 10 above, and further in view of Eleftheriadis et al. (US Patent no. 6,055,330).

Regarding claims 2-3, most of the limitations of these claims have been noted in the above rejection of claims 1 and 10.

It is noted that the combination of Sun and Ito is silent about calculating a depth map defining the relative positioning of the video in term of depth.

However, Eleftheriadis discloses a depth map defining the relative positioning of the video objects in terms of depth as claimed (See Eleftheriadis col. 5, lines 40-59, and col. 9, lines 17-28, and col. 15, lines 36-40).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the combination of Sun and Ito by providing a depth map defining the relative positioning of the video objects in terms of depth. The motivation for performing such modification in the proposed combination of Sun and Ito is to associate each pixel within the frame of video information with one or

more regions of varying perceptual importance within the frame as taught by Eleftheriadis (See Eleftheriadis col. 5, lines 43-47).

***Allowable Subject Matter***

8. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sethuraman et al. (US Patent no. 6643387) teaches apparatus and method for context-based indexing and retrieval of images sequences.

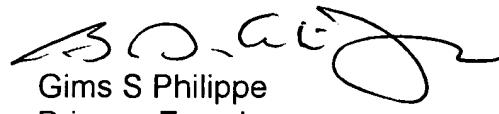
Suzuki (US Patent no. 6611262) teaches generation of a bit stream containing binary image/audio data that is multiplexed with a code defining an object in ASCII format.

Eleftheriadis et al. (US Patent no. 6092107) teaches system and method for interfacing MPEG-coded audiovisual objects permitting adaptive control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

April 7, 2004